

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JOHNATHAN AND TRUDE YARGER, a  
married couple,

Plaintiffs,

v.

ING BANK, FSB D/B/A/ ING DIRECT,

Defendant.

Civil Action No.: 1:11-cv-00154-LPS

**PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

Plaintiffs Johnathan and Trude Yarger ("Plaintiffs") hereby move this Court, pursuant to Federal Rule of Civil Procedure 23 for an order: (i) certifying this action as a class action on behalf of all individuals who purchased or retained an ING Bank, fsb ("ING") Easy Orange or Orange Loan at any time between October 1, 2005 and May 31, 2009,<sup>1</sup> (ii) appointing Plaintiffs as class representatives; and (iii) appointing Lieff, Cabraser, Heimann & Bernstein, LLP; MeyerWilson Co., LPA; and Rosenthal, Monhait & Goddess, P.A. as class counsel under Fed. R. Civ. P. 23(g). By this motion, Plaintiffs seek certification under Rules 23(b)(2), (b)(3), and/or (c)(4) of Plaintiffs' Class claims for violation of the Delaware Consumer Fraud Act, 6 Del. C. §§ 2511 *et seq.* ("DCFA"), fraud, promissory estoppel, breach of the implied covenant of good faith and fair dealing, and unjust enrichment. The Class fully satisfies the Rule 23 requirements.

Plaintiffs base this motion on Plaintiffs' Opening Brief in Support of Class Certification; the accompanying Declarations and exhibits of Jonathan D. Selbin, Daniel M. Hutchinson,

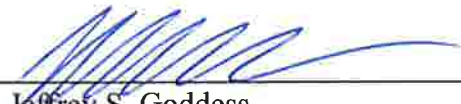
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<sup>1</sup> The Class excludes ING, any entity in which ING has a controlling interest, and its legal representatives, officers, directors, employees, assigns, and successors; (2) His Honor and his immediate family; and (3) claims for emotional distress.

Matthew R. Wilson, Jeffrey S Goddess, Stephen J. Scherf, CPA, Jonathan Yarger, and Trude Yarger, filed contemporaneously herewith, and any further briefing and arguments of counsel.

Dated: January 10, 2011

ROSENTHAL, MONHAIT & GODDESS, P.A.

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